

1 In *Lowery v. F.A.A.*, the Eastern District of California set forth a two-pronged test to
2 determine whether a protective order should issue, staying discovery. 1994 WL 912632, *3
3 (E.D.Cal. 1994). First, a pending motion must be potentially dispositive of the entire case, or at
4 least dispositive on the issue at which discovery is directed. See *Panola*, 762 F.2d at 1560. And,
5 second, the court must determine whether the pending dispositive motion can be decided absent
6 discovery. See *Lowery*, 1994 WL 912632 at *3.

7 Here, Defendants satisfy both requirements. First, their motion to dismiss, if meritorious,
8 could potentially dispose of the entire case. Second, any discovery is unnecessary for resolution
9 of the motion. Accordingly, the Court GRANTS Defendants' motion for a stay of discovery
10 until disposition of Defendants' motion to dismiss. If, after the Court's ruling, the motion has
11 not disposed of this action, the Court will lift the stay.

12 CONCLUSION

13 Accordingly, Defendants' motion for a stay of discovery pending a ruling on their motion
14 to dismiss is GRANTED. Discovery is STAYED until further order of the Court.

15 IT IS SO ORDERED.

16 DATED: 2/4/11



LUCY H. KOH
United States District Judge